

Calendar No. 481

107TH CONGRESS }
2d Session }

SENATE

{ REPORT
107-204

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT

JULY 3, 2002.—Ordered to be printed

Filed, under the authority of the order of the Senate of June 26, 2002

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 640]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 640) to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

On page 2, lines 16 and 17, strike “numbered 80,047 and dated February 2001” and insert “numbered 80,047–C and dated August 2001”.

PURPOSE

The purpose of H.R. 640 is to adjust the boundaries of Santa Monica Mountains National Recreation Area in California to include an additional 3,534 acres of land, to include an important wildlife migration corridor within the recreation area.

BACKGROUND AND NEED

The Santa Monica Mountains National Recreation Area (Recreation Area) is the largest urban unit of the National Park System, comprising more than 150,000 acres between downtown Los Angeles and the Pacific Ocean. Currently there is open space between the Recreation Area and the Simi Hills across Route 101 to the north. The Santa Monica Mountains Conservancy (Conservancy) owns 2,800 acres of lands in this vicinity on behalf of local govern-

ments in its role as a department of the California Resources Agency.

The Conservancy is willing to donate the lands to the National Park Service. Acquisition of these lands would provide much-needed habitat for the free movement and migration of wildlife between the Santa Monica Mountains and the Simi Hills, preventing the local extirpation of several species in the park. The donation of these acres would also ensure the protection of a larger part of Upper Las Virgenes Creek, which is part of the Malibu Creek Watershed, a watershed of critical concern because it drains into Santa Monica Bay. Water quality in this area is especially important because the complex of beaches in and surrounding the Recreation Area draws more than 30 million recreation visits annually.

In addition to the 2,800 acres owned by the Conservancy, approximately 734 acres would be included within the expanded Recreation Area boundaries, including approximately 327 acres within the cities of Agoura Hills and Calabasas; approximately 362 largely undeveloped acres within Los Angeles County; and 45 acres donated by Shea Homes, Inc.

LEGISLATIVE HISTORY

H.R. 640, sponsored by Representative Gallegly, was passed by the House of Representatives by voice vote on June 6, 2001. The Subcommittee on National Parks held a hearing on H.R. 640 on July 26, 2001. The Committee on Energy and Natural Resources adopted an amendment to H.R. 640 at its business meeting on May 15, 2002, and ordered the bill as amended favorably reported at its business meeting on June 5, 2002.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on June 5, 2002, by a voice vote of a quorum present, recommends that the Senate pass H.R. 640 if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of H.R. 640, the Committee on Energy and Natural Resources adopted an amendment which references a new boundary map for the Recreation Area. The new map reflects the exclusion of 208 acres encompassing three parcels of private land from the proposed addition to the Recreation Area.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act the "Santa Monica Mountains National Recreation Area Boundary Adjustment Act."

Section 2 amends section 507 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460kk) to include 3,534 additional acres within the Santa Monica Mountains National Recreation Area. Lands within the "Wildlife Corridor Expansion Zone" identified on the revised boundary map for the Recreation Area may be acquired only by donation or with donated funds.

Section 3 makes technical corrections to section 507 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460kk).

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

H.R. 640—Santa Monica Mountains National Recreation Area Boundary Adjustment Act

CBO estimates that enacting H.R. 640 would have no significant effect on the federal budget. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 640 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 640 would expand the Santa Monica Mountains National Recreation Area in California to include about 3,500 acres of non-federal lands. The act specifies that the federal government could acquire lands within the proposed expansion area only by donation or with donated funds. The Santa Monica Mountains Conservancy, a California state agency, owns roughly four-fifths of the lands within the proposed expansion area. According to the National Park Service (NPS) and the conservancy, under H.R. 640, the conservancy would donate those lands to the federal government so that they may be managed for critical wildlife habitat. Based on information from NPS we estimate that the agency would incur additional costs to manage the donated lands, but that such costs would not exceed \$500,000 a year.

On May 21, 2001, CBO transmitted a cost estimate for H.R. 640 as ordered reported by the House Committee on Resources on May 16, 2001. The Senate Committee on Energy and Natural Resources' version of H.R. 640 would add fewer acres of nonfederal lands to the recreation area than the House version. CBO estimates, however, that neither version of H.R. 640 would have a significant impact on the federal budget.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 640. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 640.

EXECUTIVE COMMUNICATIONS

On July 27, 2001, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 640. These reports had not been received at the time this report was filed. The testimony

provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JOHN J. REYNOLDS, REGIONAL DIRECTOR,
PACIFIC WEST REGION, NATIONAL PARK SERVICE, DE-
PARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 640, a bill to adjust the boundaries of Santa Monica Mountains National Recreation Area.

The Department supports H.R. 640. This legislation will adjust the authorized boundary of Santa Monica Mountains National Recreation Area to encompass an important wildlife corridor and provide for the protection of a key watershed. The legislation requires that acquisition of lands within the expansion area be accomplished only through donation, a provision that reflects the high level of cooperation and strong commitment of local communities and governments toward the park.

Furthermore, in light of the President's commitment to reducing the backlog of deferred maintenance needs within the National Park System before incurring additional financial burdens, it is important to note that this legislation authorizes the lands within the boundary adjustment area to be acquired by donation only. Therefore, no public funds will be required for land acquisition. In addition, life cycle operational and maintenance costs are expected to be minimal. The park anticipates providing only minimal facilities such as trails, emphasizing habitat preservation for wildlife movement. Since no development is contemplated within the boundary adjustment area, no line item construction or related operational funding will be required.

Within the 3,697-acre expansion zone, three parcels of land totaling about 2,800 acres are owned by the Santa Monica Mountains Conservancy, an agency of the California Resources Department that was established in 1981 to complement and assist with the establishment of the Santa Monica Mountains National Recreation Area. The three parcels are the 2,300-acre Las Virgenes Canyon Dedication, the 390-acre Liberty Canyon tract, and the 107-acre Abrams property. These lands are held by the Conservancy on behalf of local governments, principally the governments of Ventura County and Los Angeles County, and are slated to be donated to the National Park Service once they have been included within the authorized boundary of the recreation area. H.R. 640 adjusts the boundary in order to accomplish this purpose.

Acquisition of these lands is important in order to protect critical habitat required for the free movement and migration of wildlife between the Santa Monica Mountains and the Simi Hills, thereby preventing local extinction of species in the park. Together with existing National Park Service lands, the three parcels form the only remaining wildlife corridor in the region to connect with national forest lands to the north.

In addition, this legislation enables the protection of a significant portion of Upper Las Virgenes Creek, which is part of the Malibu Creek Watershed, the largest freshwater system within the recreation area. The quality and condition of this watershed is of critical concern because it drains into Santa Monica Bay. The beaches of Santa Monica Mountains National Recreation Area, surrounding the Bay and running west from the Santa Monica Pier for 45 miles along the Malibu coastline, are principally managed by the Los Angeles Department of Beaches and Harbors and the California State Parks. In all, this complex of beaches supports in excess of 30 million recreation visits annually, which suggests that it is one of the most valuable recreation assets in California.

Within the existing boundary of Santa Monica Mountains National Recreation Area, some 70 governmental jurisdictions operate and work together. Unlike many park areas where lands within the authorized boundary are almost entirely in federal ownership, there exists an extremely complex mosaic of publicly and privately owned lands within the recreation area's boundary. The entire city of Malibu, as well as portions of the cities of Agoura Hills, Calabasas, Los Angeles, Thousand Oaks, and Westlake Village are within the current park boundaries. The National Park Service works cooperatively with other governments and private landowners, and shares its resource management knowledge with the local communities. The National Park Service, however, does not regulate land use on private or non-federal parklands within the park.

In addition to the 2,800 acres that are owned by the Conservancy, approximately 900 acres of private and non-federal public lands are located within the expansion zone, including two neighborhoods that are situated within the cities of Agoura Hills and Calabasas. The two neighborhoods comprise roughly 330 acres. The two cities, as well as the homeowner associations representing the neighborhoods concerned, are longtime supporters of the park and this legislation. We understand that letters in support of the boundary enlargement have been provided to the subcommittee from each of these governments and associations. Under the classification process used by the park, the neighborhoods are designated as "developed areas," where the National Park Service will not acquire lands.

There are also lands within the expansion zone under the jurisdiction of Los Angeles County that are largely undeveloped, or held by the county to support operations such as the Calabasas landfill. The legislation would permit the National Park Service to accept these lands, only by donation, if it were determined that they could further park purposes.

Mr. Chairman, we are pleased to support this proposal. In all, the lands reserved through the efforts of local communities and governments for transfer to the National Park Service may be worth as much as \$60 million under

current market conditions. The legislation before you today is a testament to the cooperation and commitment of the citizens, local governments, and the park agencies in the Santa Monica Mountains.

That concludes my testimony. I would be glad to answer any questions that you or the members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill/Act _____, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

【PUBLIC LAW 95-625—NOV. 10, 1978】

* * * * *

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

SEC. 507. (a) The Congress finds that—

* * * * *

(c) * * *

(1) The recreation area shall consist of the lands and waters and interests generally depicted as the recreation area on the map entitled 【“Boundary Map, Santa Monica Mountains National Recreation Area, California, and Santa Monica Mountains Zone”, numbered SMM-NRA 80,000, and dated May 1978】 *“Santa Monica Mountains National Recreation Area and Santa Monica Mountains Zone, California, Boundary Map”, numbered 80,047-C and dated August 2001*, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and in the offices of the General Services Administration in the Federal Office Building in West Los Angeles, California, and in the main public library in Ventura, California. After advising the 【Committee on Natural Resources】 *Committee on Resources* of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(2)(A) Not later than ninety days after the date of enactment of this Act the Secretary, after consultation with the Governor of the State of California, the California Coastal Commission, and the Santa Monica Mountains Comprehensive Planning Commission, shall commence acquisition of lands, improvements, waters, or interests therein within the recreation area. Such acquisition may be by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise. Except as provided in subparagraph (B), any lands or interests therein owned by the State of California or any political subdivision thereof (including any park district or other public entity) may be acquired only by donation, except that such lands acquired after the date of en-

actment of this section by the State of California or its political subdivisions may be acquired by purchase or exchange if the Secretary determines that the lands were acquired for purposes which further the national interest in protecting the area and that the purchase price or value on exchange does not exceed fair market value on the date that the State acquired the land or interest: Provided, however, That the value of any lands acquired by the Secretary under the exception in this sentence shall be deducted from the amount of moneys available for grants to the State under subsection (n) of this section. *Lands within the "Wildlife Corridor Expansion Zone" identified on the boundary map referred to in paragraph (1) may be acquired only by donation or with donated funds.* Notwithstanding any other provision of law, and Federal property located within the boundaries of the recreation area shall, with the concurrence of the head of the agency having custody thereof, be transferred without cost, to the administrative jurisdiction of the Secretary for the purposes of the recreation area.

(B) The Secretary shall negotiate, and carry out, and exchange with the city of Los Angeles (acting through its department of water and power) [of certain] *certain* federally owned lands managed by the Bureau of Land Management in the vicinity of the Haiwee Reservoir in Inyo County for certain lands owned by the city of Los Angeles which are associated with the Upper Franklin Reservoir in the city of Los Angeles. Lands acquired by the Secretary pursuant to such exchange shall be transferred without cost to the administrative jurisdiction of the National Park Service for inclusion within the recreation area. The Secretary shall include in such exchange a provision for an easement to be granted to the city of Los Angeles for the existing water pipeline associated with the Upper Franklin Reservoir and for the city of Los Angeles to provide for replacement water to maintain the water elevations of the Franklin Reservoir to the current levels. The values of lands exchanged under this provision shall be equal, or shall be equalized, in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976 [43 USCS § 1716].

* * * * *

(n) * * *

(5) Grants under this section shall be made only upon application of the recipient State and shall be in addition to any other Federal financial assistance for any other program, and shall be subject to such terms and conditions as the Secretary deems necessary to carry out the purposes of this section. Any jurisdiction that implements changes to the approved plan which are inconsistent with the purposes of this section, or adopts or acquiesces in changes to [laws] *Laws*, regulations or policies necessary to implement or protect the approved plan, without approval of the Secretary, may be liable for reimbursement of all funds previously granted or available to it under the terms of this section without regard to such additional terms and conditions or other requirements of law that may be applicable to such grants. During the life of the planning commission, changes to the plan must be submitted by the planning commission to the Secretary for approval. No such application

for a grant may be made after the date five years from the date
of the Secretary's approval of the plan.

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